

an anvil fixedly attached to the lower jaw.

43. (New) The hand tool of claim 42, wherein the anvil is oriented at about a 90 degree angle to the lower plate.

44. (New) The hand tool of claim 42, wherein the upper plate is fixedly attached to the upper jaw.

45. (New) The hand tool of claim 42, wherein the upper plate is pivotally attached to the upper jaw.

46. (New) The hand tool of claim 42, wherein the lower plate is fixedly attached to the lower jaw.

47. (New) The hand tool of claim 42, wherein the lower plate is pivotally attached to the lower jaw.

48. (New) The hand tool of claim 42, further comprising:

an elongated rod, fixedly attached to the anvil, having a sliding hammer and a striking surface.

REMARKS

The Office Action mailed November 27, 2002 has been carefully reviewed and the foregoing amendments and following remarks are made in response thereto. Claims 1-6 and 15-24 are canceled without prejudice to the underlying subject matter, and claims 25-48 are added; no new matter has been introduced. Thus, claims 25-48 are pending in the present application. The Applicant respectfully submits that claims 25-48 are allowable over the cited references.

The specification and drawings are objected to because reference character "21" was used to designate two different elements, i.e., "linking member 21" and "elongated rod 21." Paragraphs 9 and 10 are amended, and FIGS. 1 and 2 are corrected, in order to change the reference character for the "linking member" from "21" to "30." The proposed drawing correction is attached hereto.

Claims 2, 4, 18 and 24 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Claims 15, 17, 19, 20 and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Jenkin or Small. Claims 1, 3, 5, 6, 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Jenkin or Small in view of either Sandstrom or Wang.

In view of the remarks submitted below, the Applicant respectfully submits the pending claims are allowable over the cited references.

Claims 25–48 Are Allowable Over the Cited References

Claim 25 is directed to an apparatus and recites, in pertinent part, “an upper plate attached to the upper jaw”, “a lower plate attached to the lower jaw”, and “an anvil fixedly attached to the lower jaw.” The Applicant respectfully submits that none of the references cited by the Examiner, either alone or in combination, disclose these features.

Both Jenkin and Small disclose a sliding hammer on a pliers tool, as noted by the Examiner (*See*, Office Action at Page 5, Paragraph 14). However, these references disclose similar pliers tools with gripping jaws only. *See*, Jenkin at FIGURE, Col. 2 lines 27–51; and Small at FIG.1, Col. 2 line 57 to Col. 3 line 28. Neither Jenkin nor Small disclose that an additional plate may be attached to each of the gripping jaws, i.e., the upper jaw and the lower jaw, as recited by claim 25. Moreover, both Jenkin and Small are directed to devices for removing small, nail-like structures, such as pins and tines, and not broad, flat structures, such as shingles. For example, Jenkin is “particularly adapted for removing tines from tine bars of belt discharge type vacuum filter units” (Col. 1, lines 4–6), while Small is “particularly adapted for removing pins from flywheels of clutch assemblies” (Col. 1, lines 6–8). As depicted in both references, tines and pins are very small, elongated, nail-shaped objects. Consequently, the gripping jaws of both these references are narrow structures, adapted to apply a “firm gripping engagement with the tine 10” (Jenkin at Col. 2, lines 49–50) or “firm gripping engagement with pin 10” (Small at Col. 3, lines 17–18). Accordingly, neither Jenkin nor Small disclose, teach or suggest that the narrow gripping jaws may be broadened to support a much wider gripping area by attaching an additional plate to each jaw.

Moreover, neither Jenkin nor Small disclose that an anvil may be attached to the lower jaw of the pliers tool, as recited by claim 25. Both references disclose that an elongated rod, having an impact member and an abutment, may be attached to the upper gripping jaw of the pliers. *See, e.g.,* Jenkin at FIGURE, Col. 2, line 62 to Col. 3 line 8; Small at FIG. 1, Col. 3, lines 39 to 65. However, neither Jenkin nor Small disclose, teach or suggest that the elongated rod, impact member and abutment may be replaced by an anvil, attached, generally, to either the upper jaw or the lower jaw of the pliers tool, and, more specifically, to the lower jaw, as recited by claim 25. *See, e.g.,* Application at FIG. 1, Paragraphs 9, 11, 13 and 14. The anvil is described on Page 4, Paragraph 13 of the specification as being of "any shape, size or orientation such that it can receive the blow of a hammer or other tool adapted to transmit force so as to remove the shingle." FIG. 1 depicts a side view of one embodiment of the present invention, where anvil 15 is visible (in side view) as a rectangular plate of a particular thickness. The Applicant respectfully submits that neither Jenkin, Small, nor any other reference cited by the Examiner discloses this feature.

Accordingly, the Applicant submits that claim 25 is allowable over the cited references. Claims 26–31, depending from claim 25, are also allowable, at least for the reasons discussed above.

Claim 35 is directed to a system for removing a shingle, and recites, in pertinent part, "a locking pliers ... including: an upper plate attached to an upper jaw, and a lower plate attached to a lower jaw" and "an anvil, fixedly attached to the lower jaw." Claim 42 is directed to a hand tool, and similarly recites, in pertinent part, "a locking pliers, including: an upper plate attached to an upper jaw, and a lower plate attached to a lower jaw" and "an anvil fixedly attached to the lower jaw." As discussed above with reference to claim 25, the Applicant respectfully submits that none of the cited references discloses these features.

Accordingly, the Applicant submits that claims 35 and 42 are allowable over the cited references. Claims 36–41, depending from claim 35, and claims 43–48, depending from claim 42, are also allowable, at least for the reasons discussed above.

Claim 32 is directed to a method for removing a shingle, and recites, in pertinent part, "gripping a shingle between an upper jaw and a lower jaw of a locking pliers, the upper jaw having an upper plate and the lower jaw having a lower plate" and "striking an anvil fixedly attached to the lower jaw, in a direction substantially parallel to the surface of the shingle, to

remove the shingle from the substrate.” The Applicant respectfully submits that none of the references cited by the Examiner discloses these features. For example, neither Jenkin nor Small disclose, teach or suggest that a pliers tool may be used to grip a shingle, between an upper jaw/plate combination, and a lower jaw/plate combination. Rather, both Jenkin and Small disclose pliers tools adapted to extract small, nail-like objects, such as pins or tines, and not large, flat objects, such as shingles. Moreover, both Jenkin and Small disclose an impact motion that is “in substantial alignment” with the root, or longitudinal axis, of the tine or pin. *See, e.g.,* Jenkin at Col. 3 line 43 to Col. 4 line 11; Small at Col. 4 line 56 to Col. 5 line 3. By contrast, the claimed method applies an impact force in a direction substantially parallel to the surface of the shingle, which is substantially perpendicular to the alignment of the nail anchoring the shingle to the substrate. Consequently, the shingle, rather than the nail, is the object of the extraction. The Applicant respectfully submits that none of the references cited by the Examiner disclose, teach or suggest these features.

Accordingly, the Applicant submits that claim 32 is allowable over the cited references. Claims 33 and 34, depending from claim 32, are also allowable, at least for the reasons discussed above.

CONCLUSION

In view of the remarks submitted above, the Applicant respectfully submits that the present case is in condition for allowance. A notice to that effect would be greatly appreciated.

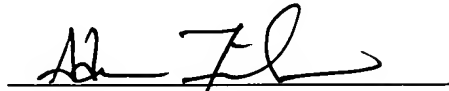
The Examiner is invited to contact the undersigned at (202) 220-4294 to discuss any matter concerning this application.

The Office is authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

February 25, 2003

A handwritten signature in black ink, appearing to read 'AT FL', is written over a horizontal line.

Adam M. Treiber (Reg. No. 48,000)

1500 K Street, N.W.
Washington, D.C. 20005
(202) 220-4200 (phone)
(202) 220-4201 (fax)

DC:426614_1.DOC

**Marked-Up Version of the Replacement Paragraphs
Pursuant to 37 C.F.R. § 1.121(b)**

[0009] An embodiment of the present invention is shown in Figure 1. This embodiment generally comprises locking pliers 10 having plates 11 and 12 fixed to the upper jaw 13 and the lower jaw 14, respectively, as well as an anvil 15 adapted to receive a blow from a hammer (not shown.) The invention is best implemented using locking pliers 10, although non-locking pliers can also be used. Locking pliers 10 include an upper handle 16 that is pivotally coupled to jaw member 17 at pin 18, and a lower handle 19 that is pivotally coupled to a jaw member 17 at pin 20. As used herein, the term "coupled" means directly or indirectly connected. Thus, if A is coupled to B, and B is coupled to C, then A is coupled to C. Upper handle 16 and lower handle 19 terminate at their distal ends with opposable upper jaw 13 and lower jaw 14, respectively. Anvil 15 is fixed to jaw member 17 and is oriented at about a 90 degree angle in relation to lower plate 12. Upper handle 16 is pivotally coupled to linking member [21] 30 at pin 22, and lower handle 19 is pivotally coupled to linking member [21] 30 at pin 23. At its proximal end, upper handle 16 is internally threaded and is adapted to receive adjustment screw 24. Distal to the threaded portion, the upper handle forms a cylinder having a slot along its length. The slot is adapted to receive the upper end of link member [21] 30, which freely slides along the slot, and which abuts the distal end of adjustment screw 24. Further towards upper jaw 13 and around pin 18, upper handle 16 is generally U-shaped to receive the upper portion of jaw member 17. Proximal end of spring 25 is fastened to upper handle 16, while distal end of spring is coupled to jaw member 17, thereby providing a bias to keep jaws 13 and 14 open. Release lever 26 is pivotally coupled to lower handle 19 at pin 27.

[0010] In operation, adjusting screw 24 moves the upper end of the linking member proximally or distally. This affects the force required to bring upper handle 16 and lower handle 19 together into a locked position, thereby making the locking pliers adjustable. Once locked, the pliers 10 can be unlocked (released) by moving the distal end of release lever 26 towards lower handle 19, thereby levering up the portion of linking member [21] 30 that abuts lower handle 19 when the pliers 10 are locked.